

# Exhibit 13

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U.S. Department of Justice  
Federal Bureau of Prisons

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# Program Statement

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OPI: DIR  
NUMBER: 1210.24  
DATE: 5/20/2003  
SUBJECT: Internal Affairs, Office of

**1. PURPOSE AND SCOPE.** To instruct staff on the procedures for reporting allegations of staff misconduct to the Office of Internal Affairs (OIA) and for conducting investigations of allegations.

It is the Bureau's policy to strive for professionalism, efficiency, effectiveness, responsiveness, productivity, and integrity.

- ◆ This requires the identification of mismanagement, waste, fraud, and abuse, as well as the investigation of violations and allegations of violations per the Standards of Employee Conduct.

OIA ensures that all allegations of this type are investigated and will reach its findings based upon clearly established facts.

To maintain its high level of independence and credibility, OIA is a component of the Director's Office, Bureau of Prisons.

**2. SUMMARY OF CHANGES.** The following are highlights of this revised Program Statement:

- ◆ Revised the Summary of Investigation for Classification No. 3 Cases (Internal Affairs) form (BP-S716.012).
- ◆ Created a new form entitled, Warning and Assurance To Contract Employee Required to Provide Information (BP-S773.012) for use with contract employees.

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a. **Interviewing Bargaining Unit Employees**

- ◆ Refer to Article 6 of the Master Agreement (Employee Rights) for representational rights of bargaining unit employees. For further information, review the labor statute and consult with the Labor Law Branch (LLB) or Labor Management Relations (LMR) Branch.

b. **Interviewing Subjects.** The field investigator or OIA personnel must exercise extreme care to ensure that all subjects implicated in wrongdoing are afforded the opportunity to read and sign the **Warning and Assurance to Employee Required to Provide Information form (BP-S194.012)**. For contract employees, use form **(BP-S773.012)** prior to questioning.

- ◆ Victims, witnesses, and other individuals who are sources of collateral information should not be required to review and sign a form BP-S194.012. For contract employees, use form BP-S773.012.
- ◆ If, during the course of the investigation, these sources provide information implicating themselves in wrongdoing, the investigator will stop the interview and execute a form BP-S194.012. For contract employees, use form BP-S773.012.
- ◆ Victims, witnesses, collateral sources, and subjects will be advised at the end of the interview that the subject matter of the interview and any information exchanged with the investigator are confidential and may not be discussed with individuals other than the employee's representative.

- (1) The **Warning and Assurance to Employee Required to Provide Information form (BP-S194.012)**, for contract employees form **(BP-S773.012)**, grants the subject immunity from criminal prosecution, provided the subject does not knowingly and willfully provide false statements or information.
- (2) When the interview of a subject or witness reveals information that may implicate the person criminally, the investigator will suspend the interview immediately and refer the matter to the appropriate law enforcement officials and OIA.

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(3) Normally, the appropriate version of the Warning and Assurance to be used at the local level is the BP-S194.012; for contract employees form it is the BP-S773.012.

c. **Staff, Inmate, and Evidence Availability.** All Bureau staff must cooperate fully with all investigative personnel.

- ◆ Staff, inmates, and all documents related to the investigation will be made available to the investigator.
- ◆ Employees who are questioned during the course of an investigation will cooperate fully, pursuant to the provisions of the Standards of Employee Conduct.
- ◆ Employees who are interviewed may not discuss the investigation's subject matter with individuals other than the employee's representative.

d. **Affidavits.** Ordinarily, affidavits addressing all salient issues will be obtained during an investigation. Agency investigators must prepare or accept in total the affidavit.

Title 5, U.S.C., Appendix 3, Section 6, Part 5 authorizes agency investigators, including OIA and other specifically designated Bureau employees, to administer oaths.

e. **Duration.** OIA will be sent a status update every 60 days on local investigations which staff are unable to complete within the 60 day time frame. Additionally, employee subject(s) who were interviewed as part of the investigation will be notified as to whether their particular cases are still active, upon request, but no more than every 30 days.

#### 10. APPROVAL AND USE OF POLYGRAPH EXAMINATIONS

a. **Circumstances.** Occasionally, it may be appropriate to use a polygraph examination as an investigative tool. Whenever possible, use the FBI or OIG Polygraph Section. All requests for polygraph examinations regarding staff misconduct must be coordinated through OIA.

- ◆ Neither staff nor inmates can be compelled to take a polygraph examination.